

IN RE: PETITION FOR ZONING VARIANCE
N/S Fallscroft Way, 995' +/-
E of the c/l of Falls Road
(1000 Fallscroft Way)
8th Election District
3rd Councilmanic District
Michael K. Spodak, M.D.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-451-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of 35 feet in lieu of the required 50 feet for a proposed garage addition in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition was Donald S. Laird, Architect. There were no Protestants.

Testimony indicated that the subject property, known as 1000 Fallscroft Way, consists of 2.303 acres zoned R.C. 5 and is improved with a single family dwelling with an attached two-car garage. Petitioner is desirous of constructing an additional one-car garage to the existing two-car garage to provide additional storage and parking space. Testimony indicated Petitioner and his family currently have three cars. Dr. Spodak testified that due to the location of existing improvements on the property, the proposed site for the garage addition is the most practical location, but necessitates the requested variance. To support his position, Dr. Spodak introduced photographs of the existing garage and surrounding landscaping. Testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Com-

missioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of June, 1990 that the Petition for Zoning Variance to permit a side yard setback of 35 feet in lieu of the required 50 feet for a proposed garage addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the existing two-car garage and proposed one-car garage addition thereto to be converted to a second dwelling unit and/or apartments. The existing and proposed garage areas shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The existing and proposed garage areas shall be used for residential purposes, only. No commercial use of the subject property is permitted.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjb

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-451-A**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3 to allow a side yard setback of 35 feet in lieu of the required 50 feet (for an attached garage).

- of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
1. Doctor needs additional space for patients records.
 2. Existing house architecture is English style construction and not contemporary therefore moving the proposed addition northeasterly would make the appearance very bad for the surrounding neighbors.
 3. The size would accommodate pulling into the area and unloading the records in bad weather.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name)	Legal Owner(s): (Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner: (Type or Print Name)	Address
Signature	Signature
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State	Name
Attorney's Telephone No.:	Address

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of June, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21 day of May, 1990, at 2 o'clock P.M.

3/16
1/2 AR.

J. Robert Haines
Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 30, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 25, 1990.

TOWSON TIMES,
S. Zeke Orlean
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the proposed Variance to allow a side yard setback of 35 feet in lieu of the required 50 feet for an attached garage at 1000 Fallscroft Way, 8th Election District, 3rd Councilmanic District, Baltimore County, Maryland 21204 on the following:
Petitioner: Michael K. Spodak, M.D.
Hearing Date: Thursday, May 24, 1990 at 2:00 p.m.
Variance: To allow a side yard setback of 35 feet in lieu of the required 50 feet for an attached garage.
In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the appeal period for good cause shown. Such request must be in writing and received in the office by the date of the hearing and shall be presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JT 4278 April 28.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: April 30, 1990
Posted for: Variance
Petitioner: Michael K. Spodak, M.D.
Location of property: N/S Fallscroft Way, 995' +/- E of c/l of Falls Road, 1000 Fallscroft Way
Location of Signs: North side of Fallscroft Way at entrance to subject property
Remarks: D.J. Grate
Posted by: D.J. Grate Date of return: May 3, 1990
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 30, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 26, 1990.

THE JEFFERSONIAN,
S. Zeke Orlean
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the proposed Variance to allow a side yard setback of 35 feet in lieu of the required 50 feet for an attached garage at 1000 Fallscroft Way, 8th Election District, 3rd Councilmanic District, Baltimore County, Maryland 21204 on the following:
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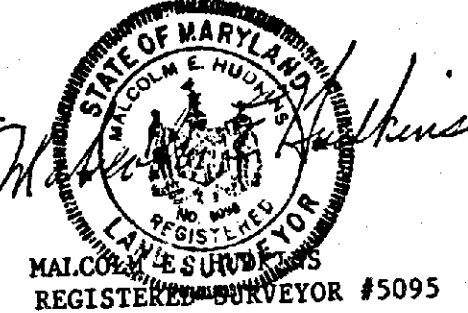
THE JEFFERSONIAN,
Publisher

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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JT 4278 April 28.

Columbia Office
Walter Park
Registered Surveyor
Phone 730-9000

M. & H. DEVELOPMENT ENGINEERS, INC.
300 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

ZONING DESCRIPTION LOT 9 "FALLSWOOD"
Beginning at a point on the north side of Fallscroft Way which is 50 foot Right of Way wide at the distance of 995 feet more or less of the centerline of Falls Road which is proposed 120 feet wide. Being Lot #9, Section II in the subdivision of Fallswood as recorded in Baltimore County Plat Book #42, Folio #64, containing 2.303 acres more or less. Also known as 1000 Fallscroft Way and located in the 8th Election District.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

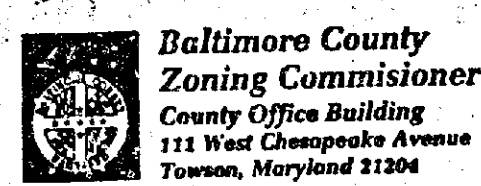
Account: B-001-4150
Number: 1744

Date: 3/16/90 H9000318

	QTY	PRICE
PUBLIC HEARING FEES		
010 - ZONING VARIANCE (1RL)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: SPODAK

B 028*****3500* 3168F
Please make checks payable to Baltimore County



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R001-6150
Number: No 25

90-451

M7000846

5/23/90
PUBLIC HEARING FEES QTY PRICE
080 -POSTING SIGNS / ADVERTISING 1 X \$127.41
TOTAL: \$127.41
LAST NAME OF OWNER: SPODAK

B 107****127411a 8248F
Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 5/14/90



Dennis F. Rasmussen
County Executive

Michael K. Spodak, M.D.
1018 Dulany Valley Road
Towson, Maryland 21204
Res: Petition for Zoning Variance
CASE NUMBER: 90-451-A
N/S Fallscroft Way, 995'± E of c/l of Falls Road
1000 Fallscroft Way
8th Election District - 3rd Councilmanic
Petitioner(s): Michael K. Spodak, M.D.
HEARING: THURSDAY, MAY 24, 1990 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$127.41 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:ga

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 11, 1990

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-451-A
N/S Fallscroft Way, 995'± E of c/l of Falls Road
1000 Fallscroft Way
8th Election District - 3rd Councilmanic
Petitioner(s): Michael K. Spodak, M.D.
HEARING: THURSDAY, MAY 24, 1990 at 2:00 p.m.

Variances to allow a side yard setback of 35 feet in lieu of the required 50 feet (for an attached garage).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Michael K. Spodak, M.D.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 10, 1990



Dennis F. Rasmussen
County Executive

Mr. Michael K. Spodak
1018 Dulany Valley Road
Towson, MD 21204

RE: Item No. 318, Case No. 90-451-A
Petitioner: Michael K. Spodak
Petition for Zoning Variance

Dear Mr. Spodak:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 4th day of April, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Petitioner: Michael K. Spodak
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: April 6, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Henry F. Renard, Item No. 326
Theresa Marie Durbon, Item No. 328
Diana Ely Epstein, Item No. 325
Donald H. Wilson, III, Item No. 323
Richard H. Kress, Item No. 320
Michael R. Spodak, Item No. 3187
Richard C. Tilghman, Item No. 319
Durban Road Ltd. Part., Item No. 315
Fitch Avenue Ltd. Part., Item No. 314
Douglas E. Abrams, Item No. 308
Chestnut Ridge Country Club, Item No. 300

In reference to the Petitioners' requests, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMVARI.ED/ZAC1

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

March 23, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 300, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, and 321.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lvw

RECEIVED
MAY 24 1990

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief

APRIL 4, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MICHAEL K. SPODAK, M.D.
Location: #1000 FALLSCROFT WAY
Item No.: 318 Zoning Agenda: APRIL 3, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Captain J.F. Brady 4-4-90 Noted and Approved
Planning Section Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 4, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for April 3, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 300, 307, 308, 310, 311, 312, 313, 314, 319 and 320.

For Items 309, 314, 315 and 317, the previous County Review Group comments apply.

For Item 316, a County Review Group meeting may be required.

For Item 321, a County Review Group meeting may be required. Neither lot has in-fee frontage to a public road.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 19, 1990



Dr. Michael K. Spodak
1018 Dulany Valley Road
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
N/S Fallscroft Way, 995' +/- E of the c/l of Falls Road
(1000 Fallscroft Way)
8th Election District - 3rd Councilmanic District
Michael K. Spodak, M.D. - Petitioner
Case No. 90-451-A

Dear Dr. Spodak:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

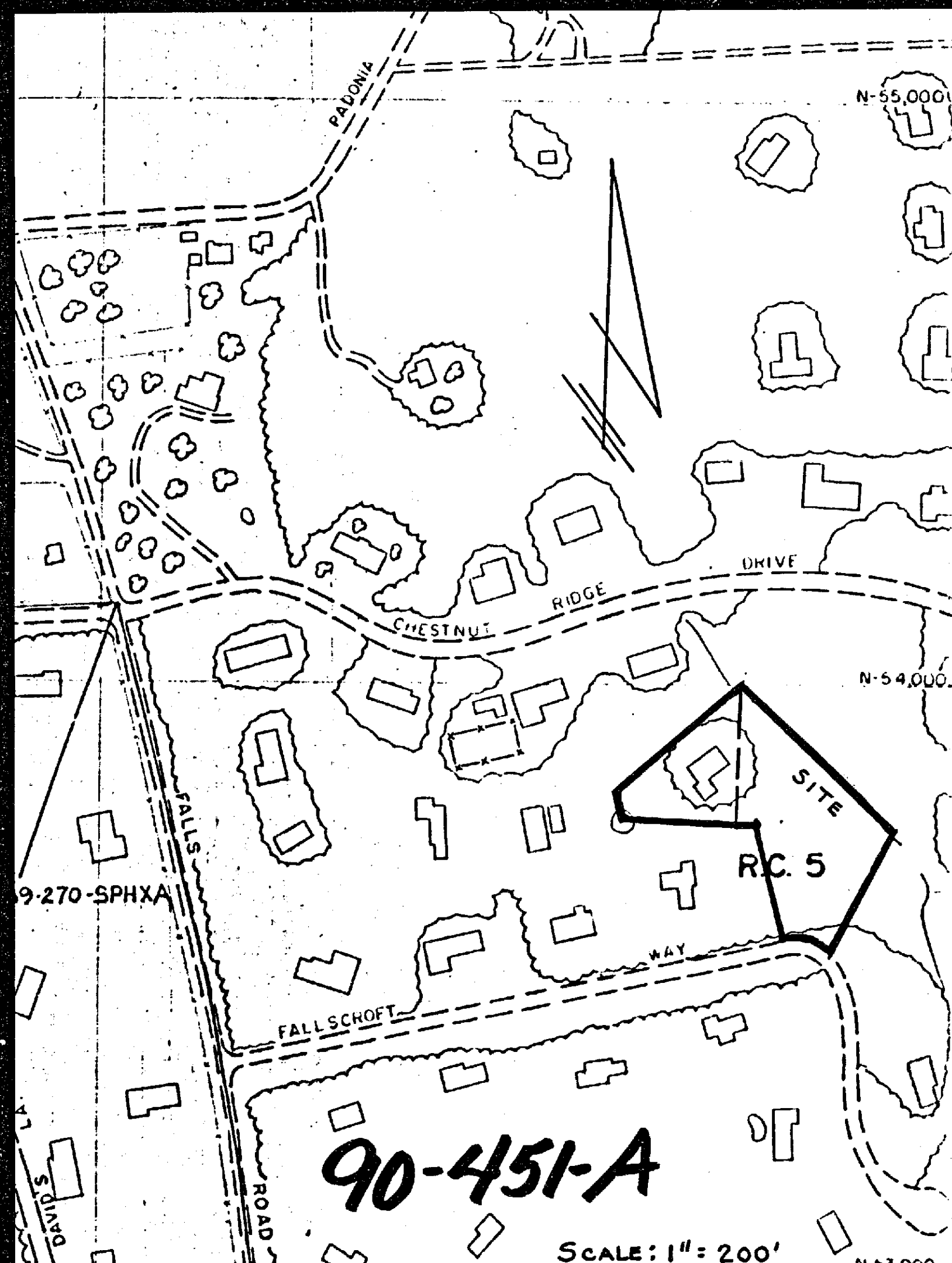
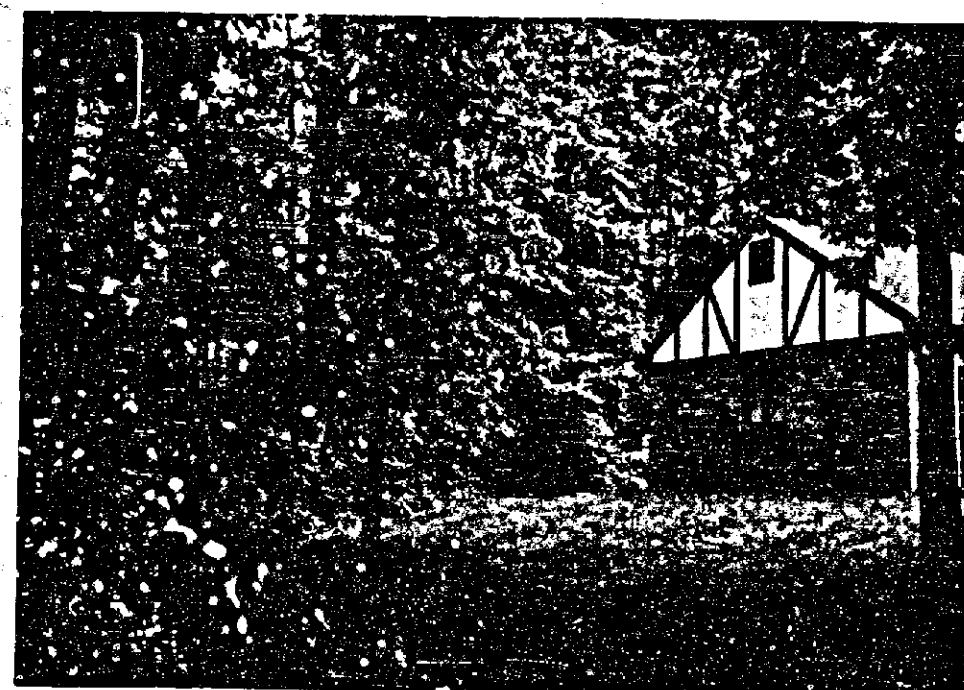
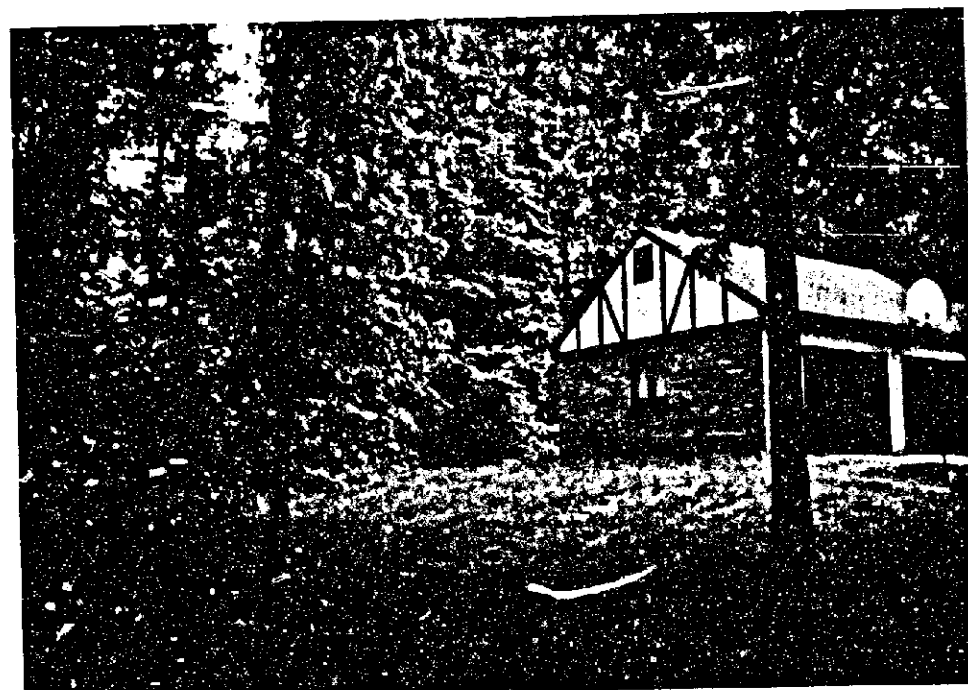
File

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DONALD S. LAIRD	821 NEWINGTON RUN
ARCHITECT	LUTHERVILLE MD 21093

PETITIONER(S) EXHIBIT 2



Scale: 1" = 200'
ZONING MAP TO ACCOMPANY APPLICATION FOR VARIANCE
FOR PROPERTY KNOWN AS #1000 FALLSCROFT WAY



M. & H. DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

90-451-A
PETITIONER'S EXHIBIT

